

SENATE BILL No. 118

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-4-3-2.6; IC 36-4-3-7.

Synopsis: County approval of annexation ordinance. Provides that after an annexation ordinance is adopted by a municipality, the ordinance must be approved or denied by the county executive of the county where the territory is located. Provides that if the county executive denies the ordinance, the municipality may not make further attempts to annex the territory for two years after the denial of the ordinance.

Effective: July 1, 1999.

Gard, Long

January 6, 1999, read first time and referred to Committee on Governmental and Regulatory Affairs.



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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 118

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-4-3-2.6 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]: **Sec. 2.6. (a) After an annexation ordinance is adopted by**
4 **a municipality under section 3, 4, or 5 of this chapter, the**
5 **municipality shall forward the annexation ordinance to the county**
6 **executive of the county where the territory is located, not later than**
7 **three (3) business days after the ordinance is adopted.**

8 **(b) The county executive may approve or deny the annexation**
9 **ordinance not later than ninety (90) days after the annexation**
10 **ordinance is adopted. If the county executive does not approve or**
11 **deny the annexation ordinance within ninety (90) days after the**
12 **ordinance is adopted, the annexation ordinance is considered**
13 **approved.**

14 **(c) If the county executive denies the annexation ordinance, the**
15 **municipality may not make further attempts to annex the territory**
16 **during the two (2) years after the denial of the ordinance.**

17 SECTION 2. IC 36-4-3-7 IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 1999]: Sec. 7. (a) After an ordinance is ~~adopted under section 3, 4, or 5~~ **approved by the county executive under section 2.6** of this chapter, it must be published in the manner prescribed by IC 5-3-1. Except as provided in subsection (b) or (c), in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter, the ordinance takes effect at least sixty (60) days after its publication and upon the filing required by section 22(a) of this chapter.

(b) An ordinance described in subsection (d) or adopted under section 3, 4, or 5 of this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.

(c) Subsections (d) and (e) apply to fire protection districts that are established after June 14, 1987.

(d) Except as provided in subsection (b), whenever a municipality annexes territory, all or part of which lies within a fire protection district (IC 36-8-11), the annexation ordinance (in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter) takes effect the second January 1 that follows the date the ordinance is adopted and upon the filing required by section 22(a) of this chapter. The municipality shall:

(1) provide fire protection to that territory beginning the date the ordinance is effective; and

(2) send written notice to the fire protection district of the date the municipality will begin to provide fire protection to the annexed territory within ten (10) days of the date the ordinance is adopted.

(e) If the fire protection district from which a municipality annexes territory under subsection (d) is indebted or has outstanding unpaid bonds or other obligations at the time the annexation is effective, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the annexed territory (that is part of the fire protection district) bears to the assessed valuation of all property in the fire protection district, as shown by the most recent assessment for taxation before the annexation, unless the assessed property within the municipality is already liable for the indebtedness. The annexing municipality shall pay its indebtedness under this section to the board of fire trustees. If the indebtedness consists of outstanding unpaid bonds or notes of the fire protection district, the payments to the board of fire trustees shall be made as the principal or interest on the bonds or notes becomes due.



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